

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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UNITED STATES OF AMERICA,

Plaintiff,

v.

**ORDER**

Criminal File No. 15-210 (MJD/JSM)

(4) ADAN MARGRITOS FLORES-LAGONAS,

Defendant.

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Thomas Calhoun-Lopez, Assistant United States Attorney, Counsel for Plaintiff.

Kurt B. Glaser, Smith & Glaser, LLC, Counsel for Defendant.

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The above-entitled matter comes before the Court upon Defendant's counsel's oral motion for a psychiatric or psychological evaluation to determine the competency of Defendant Adan Margritos Flores-Lagonas pursuant to 18 U.S.C. § 4241. The Government does not oppose this motion.

Based upon the Court's observation of Defendant during the pretrial hearing on June 20, 2016, during which Defendant failed to respond to the Court's comments and spoke incoherently about the jurisdiction of the Court; and upon defense counsel's representation that he is unable to communicate

with his client based on his client's increasing insistence on only discussing incoherent jurisdictional issues, the Court finds "reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." 18 U.S.C. § 4241(a). Therefore, the Court orders a psychiatric or psychological evaluation be conducted of Defendant, pursuant to 18 U.S.C. §§ 4241 and 4247, and that a report of that evaluation be filed with the Court. A competency hearing shall be scheduled after the Court receives the final report.

Based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. Defendant's counsel's oral motion for a psychiatric or psychological evaluation to determine the competency of Defendant Adan Margritos Flores-Lagonas pursuant to 18 U.S.C. § 4241 is **GRANTED**.
2. Defendant Adan Margritos Flores-Lagonas is committed to the custody of the Attorney General for a reasonable period, not to exceed 45 days, for a psychiatric or psychological examination to determine Defendant's competency to proceed in this matter pursuant to 18 U.S.C. § 4241(b). This examination is to be conducted in a suitable facility close to the Court, unless impracticable. The Court recommends FMC

Rochester as the Federal Medical Facility where the psychiatric or psychological examination should be conducted. If the Attorney General believes that the only practicable location for evaluation is outside the State of Minnesota, the Attorney General shall report that determination to the Court prior to the designated date for the commencement of the evaluation.

3. Pursuant to 18 U.S.C. § 4241(b), after such examination is conducted, a psychiatric or psychological report shall be filed with the Court.
4. The Court further finds that the interest in having the proceedings against Defendant be informed by an understanding of his mental condition outweighs the interests of the public and Defendant in a speedy trial, and that the delay that may result from this evaluation shall be excluded in computing the time within which the trial of this case must commence, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B).

Dated: June 20, 2016

s/ Michael J. Davis

Michael J. Davis

United States District Court